

TITLE 42 EXPULSIONS

BACKGROUND

A provision of Title 42, a U.S. public health law, is being baselessly used to prevent most asylum-seekers from seeking safety at our southern border – even as tourists and shoppers can now cross the border freely. Title 42 has prevented over 600,000 people from seeking asylum in the United States. The policy violates refugee law, undermines public health, bolsters racist tropes, and sets a disgraceful, discriminatory example for the rest of the world. European immigrant communities (including Russians and Ukrainians) are being permitted into the US, while Black and Brown migrants continue to be subject to T42. Ukrainians have been singled out for special treatment ahead of other asylum seekers fleeing violence and persecution. There is no systematic, transparent policy for asylum on the border.

From March 2020 through February, 1.7 million expulsions had been carried out under this policy, 1.2 million of them during the Biden administration. Deportation under Title 42 is referred to as an "expulsion" since it is not carried out under immigration law. Currently, most Haitians are removed under Title 42. In September 2021, twelve U.S government flights carrying 1,401 Haitian migrants had arrived in Haiti. Despite Haiti's current political uncertainty and devastating earthquake, another 3,206 Haitians within the U.S. face removal through Title 42. Instead of processing Black asylum seekers, about 10,000 Haitian migrants live under a bridge between the U.S. and Mexico and face mass deportation.

March 20th of 2022, marked the shameful 2nd anniversary of the Title 42 policy, under which migrants and asylum seekers have been summarily expelled to danger without the opportunity to seek safety in the United States. In response, migrants and asylum-seekers, human, civil, and immigrants rights advocates, faith leaders, and public health professionals wore red and hosted demonstrations on March 21st in Mexico and the U.S. to demand that President Biden restore the legal and human right to seek asylum by ending the Title 42 policy, restoring access to asylum.

TERMINATION OF TITLE 42

On April 1, 2022, the Centers for Disease Control and Prevention announced that it will be terminating the Title 42 border policy. The U.S. government has used this policy to turn away asylum seekers and migrants over 1.7 million times since March 2020. The policy is set to end on May 23 to give the U.S. Department of Homeland Security (DHS) time to implement the termination. This marks an important step forward and is the result of sustained advocacy by asylum seekers, medical and public health experts, Democratic leaders, and advocates for immigrants and refugees. One of the reasons that migrants have tried to cross so often is that they have not been able to safely wait in Mexico for Title 42 to end. At the start of the pandemic, just 7% of people apprehended after crossing the border were on their second or higher attempt to cross. Under Title 42, that figure rose to 27%, the highest level in decades.

Advocates have been calling on the Biden administration to end Title 42 since he entered office. While they largely applaud today's announcements, some -- like BAJI-- continue to advocate for the order to be lifted immediately, as DHS Secretary Mayorkas indicated in his statement that expulsions will continue between now and May 23, 2022. It is important to note that this policy disproportionately impacts Black migrants and the plan to continue expelling migrants until May 23 will result in continued mass expulsions of vulnerable Black people fleeing persecution. We are deeply concerned that the government intends to continue expelling people fleeing persecution over the next seven weeks.

BAJI continues to advocate for the order to be lifted immediately, as DHS Secretary Mayorkas indicated in his statement that expulsions will continue..." between now and May 23, 2022. We are deeply concerned that the government intends to continue expelling people fleeing persecution. There is no reason why the administration cannot halt expulsions now and immediately restart asylum processing at the southern border.

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